

News Advisory

From the Rhode Island Judiciary



Retired Chief Justice Weisberger, judge for 56 years, passes at 92

December 7, 2012: Retired Supreme Court Chief Justice Joseph R. Weisberger, who served the Rhode Island Judiciary in several capacities for 56 years, died this morning. He was 92.

Judge Weisberger was Chief Justice of the Supreme Court from 1993 to 2001, serving the first 18 months on an acting basis before his confirmation to the post permanently. He was an Associate Justice of the Supreme Court from 1978 to 1993. Prior to that, he led the Superior Court as its Presiding Justice from 1972 to 1978, after serving as an Associate Justice of that court since 1956, when he was appointed at the age of 35.

In the 11 years after his retirement, Chief Justice Weisberger continued to serve the Supreme Court in its appellate mediation program, in which he had great success resolving disputes that had been appealed to the high court but before they had reached the full court in oral argument. Many court observers attributed that success to the tremendous respect that Chief Justice Weisberger commanded over his many years of service to the state.

“Chief Justice Weisberger’s jurisprudential legacy will forever be carved in the legal and judicial communities in Rhode Island and beyond,” said Supreme Court Chief Justice Paul A. Suttell. “We are forever grateful for his numerous contributions to our state and for the many years of leadership and vision he provided to Rhode Island’s Judiciary and the citizens we serve.”

“Chief Justice Weisberger was held in the highest regard among jurists throughout the country,” said Supreme Court Justice Maureen McKenna Goldberg. “He served his state, his country and his community for more than half a century. He did so with dignity and honor. Whenever there was a call to duty, Chief Justice Weisberger answered the call. He was the epitome of the greatest generation.”

“This is a passing of a giant, not only in legal circles, but the entire state as well,” said Supreme Court Justice Francis X. Flaherty. “Justice Weisberger’s legacy will be the example of intelligence, integrity and hard work.”

Said Supreme Court Justice William P. Robinson III, “The poet Stephen Spender has a first line that reads: *‘I think continually of those who were truly great.’* When I think of a truly great person that I have known in my life, Chief Justice Weisberger springs to mind. He was not only brilliant and effective, he was a profoundly good human being.”

Supreme Court Justice Gilbert V. Indeglia recalled his first encounter as a young attorney with Judge Weisberger in the Superior Court. It was during a conference in chambers when Judge Weisberger began speaking Latin in explaining his ruling on a criminal matter.

“It was absolutely magnificent and I left that meeting in awe of him, and I have been in awe of him ever since,” Justice Indeglia said.

Chief Justice Weisberger was a graduate of Brown University and Harvard University School of Law. He held 12 honorary degrees. He served in the Navy from 1941 to 1946, with two years in the Pacific Theater, leaving the military with the rank of lieutenant commander.

“Much of what happens to you is the result of change,” Judge Weisberger told an informal gathering of law clerks and interns at the Supreme Court this past January, as he recounted how he entered the Navy and later attended law school.

By 1941, world conflict had intensified such that Weisberger interrupted his studies and enlisted for officer training in the Navy. A few years later, he was serving in the Pacific Theater with a command of torpedo net defenses and a minesweeping fleet when he received orders to be part of an invasion force to strike Japan. But the war ended and instead he served in the occupation force in Japan. While there he learned of an upcoming Foreign Service exam and thought he would try to take it. But he missed the exam and upon leaving the Navy he returned to finish his undergraduate degree at Brown, where the tuition was \$400.

A friend invited him to visit Harvard Law School, where he had an interview with renowned Professor Warren A. Seavey. On the strength of an interview when there were no LSATs, Weisberger was admitted to Harvard Law, thus beginning his own distinguished career in the law. He was a judge since 1956.

Chief Justice Weisberger told his young audience in January that while his military service gave him a feeling of patriotic fervor, he did not recall it ever having a bearing on cases he heard other than to give him a sense of discipline.

“I’ve never regretted it,” Chief Justice Weisberger told the law clerks of the change in his

career path. “It is a great privilege to serve in a position where you only have to strive to be as nearly right as you can be.”

Chief Justice Weisberger traced his judicial career, from a few relaxing moments during breaks as a Superior Court judge in Newport County to his appreciation for the hard work of the “highly skilled” assistants who took his dictation in shorthand to the innovation of the show-cause procedure and appellate mediation in the Supreme Court. The latter, he said, has helped reduce the number of cases brought before the full court.

When he had five opinions to write after oral arguments, he would draft three unassisted and assign one to each of his law clerks. Over the years, he had 45 law clerks, with whom he continued to hold annual reunions.

Chief Justice Weisberger liked to say of the Supreme Court that its decisions were “not final because we are right, but we are right because we are final.”

Asked his opinion about the practice of electing judges elsewhere in the United States, “I don’t like it,” he said. “Rhode Island is very, very lucky – not only the judges, but the people – not to have the pressures from contributors and voters that you have with such elections.”

He was a president of Phi Beta Kappa, chairman of the Appellate Judges Conference of the American Bar Association, member of the House of Delegates of the ABA, chairman of the National Conference of State Trial Judges, member of the American Law Institute and Life Fellow of the American Bar Foundation. He was a member of the Board of Directors of the National Center for State Courts and was a faculty member of the National Judicial College since 1966.

He received the Rhode Island Bar Association Award for Judicial Excellence in 2007 and the National Judicial College’s Award for the Advancement of Judicial Education in 2009.

He was inducted into the Rhode Island Heritage Hall of Fame in 1980. He was a member of the Roger Williams University Board of Trustees, a vice chairman of the Rhode Island Hospital Board of Trustees, member of the St. Joseph Hospital Board of Trustees, and chairman of the Governor’s Council on Mental Health.

He is survived by his wife, Sylvia, and his children J. Robert Weisberger Jr. and Judith Greene. He was the father of the late Paula Ann Wroblewski.

Funeral arrangements are pending.

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